

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.2593 OF 2007

DATED 20TH MARCH, 2007

BETWEEN

Chesetty Ramesh Babu and another

... Petitioners

And

The Sub Collector, Gudur, Nellore District and another.

...Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.2593 OF 2007

ORDER:

The first petitioner was assigned, as alleged, 10 ankanams (80 square yards) of house site in Field No.68, survey No.1620/4 situated at East Gudur Village, Nellore District in 1987 after collecting the market value. The first petitioner constructed the structure and has started business of sale of agricultural implements and pump sets in the name and style of 'CVG Engineering Company'. The land bearing plot No.10 in survey No.1620-4/A2B6, was assigned to Shaik Rahamtullah for market value and the second petitioner purchased the same under registered sale deed, dated 02.03.1995 and he raised shop rooms in the ground floor and a residential house in first and second floors. The second respondent initiated action under A.P.Land Encroachment Act, 1905 and issued notice, dated 11.12.2006, under Section 7 of the Land Encroachment Act, and the petitioners submitted explanation along with the documents. However, the second respondent passed orders on 31.01.2007 ordering eviction of the petitioners. Aggrieved by the same, the petitioners preferred an Appeal under Section 10 of the Land Encroachment Act before the first respondent and also moved an application for interim stay. As no orders are passed, present writ petition is filed seeking a declaration that the action of the first respondent is not suspending the order of second respondent as illegal and arbitrary.

When the matter was called on 27.02.2007, learned counsel for the petitioners submits that as there is a title dispute, the petitioners are contemplated to approach the civil Court seeking declaration of title. Today, he submits that the suit is already filed on the file of the Court of the Junior Civil Judge, Gudur. Therefore, without expressing any opinion on the merits of the case, this Court observes that the first respondent may dispose of the Appeal itself within a period two weeks from the date of receipt of copy of this order after giving notice to the petitioners.

The writ petition is accordingly disposed of. No costs.

(V.V.S.RAO,J)

20.03.2007.

pln